

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

LOUIS GARCIA,

Petitioner,

v.

No. 2:22-cv-00507-KWR-KK

HECTOR RIOS, *et al*,

Respondents.

**ORDER DENYING MOTIONS TO PROCEED *IN FORMA PAUPERIS***

**THIS MATTER** is before the Court on Petitioner's Motions to Proceed *In Forma Pauperis* (Docs. 3, 6) (IFP Motions). Petitioner is a state prisoner proceeding *pro se*. He seeks to prosecute his 28 U.S.C. § 2254 petition without prepaying the \$5.00 fee. *In forma pauperis* relief is only available where the petitioner's "affidavit [and] ... statement of ... assets [demonstrates he] ... is unable to pay such fees." 28 U.S.C. § 1915(a)(1). Petitioner does not qualify under that test. His financial statement reflects he receives over \$100 per month and has an account balance of \$375.17. *See* Doc. 6. The Court will deny the IFP Motions along with the Motion for Extension of Time to File Financial Statement (Doc. 5), which is now **MOOT**.

**IT IS ORDERED** that Petitioner's Motions to Proceed *in Forma Pauperis* (**Docs. 3, 6**) and Motion for Extension of Time to File Financial Statement (**Doc. 5**) are **DENIED**; and Petitioner **MUST PREPAY** the \$5.00 filing fee within thirty (30) days of entry of this Order. The failure to timely comply will result in dismissal of this case without further notice.

**IT IS SO ORDERED.**



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**KEA W. RIGGS**  
**UNITED STATES DISTRICT JUDGE**